

# **EXHIBIT A**

# A Portrait of Asian Americans in the Law

Asian Americans have been the fastest-growing minority group in the legal profession for the past three decades, but they have made only limited progress in reaching the top ranks of the profession, according to a new report released today by the National Asian Pacific American Bar Association and Yale Law School.

The report, titled [A Portrait of Asian Americans in the Law](#), is the first-ever comprehensive study of Asian Americans in the legal profession.

According to the study, there are over 50,000 Asian American lawyers today, compared to 10,000 in 1990. Asian Americans comprise almost 5 percent of lawyers in America and roughly 7 percent of law school enrollment. Asian Americans are the largest minority group in big law firms, but they have the highest attrition rates and the lowest ratio of partners to associates.

Asian Americans comprise 3 percent of federal judges and 2 percent of state judges, compared to nearly 6 percent of the U.S. population. Only three out of 94 U.S. Attorneys in 2016 were Asian American, and only four out of 2,437 elected district attorneys nationwide in 2014 were Asian American.

The two-year study — authored by California Supreme Court Justice Goodwin H. Liu '98, recent Yale law graduates Eric Chung '17, Xiaonan April Hu '17 and Christine Kwon '17, and Yale law postgraduate associate Samuel Dong — included a dozen focus groups and a national survey of over 600 Asian American lawyers.

The survey revealed that Asian Americans identify lack of access to mentors and contacts as a primary barrier to career advancement. They also report being perceived as careful and hard-working, but not assertive or creative. “Whereas Asian Americans are regarded as having the ‘hard skills’ required for lawyerly competence, they are regarded as lacking many important ‘soft skills,’” the study found. More than half of the Asian American lawyers surveyed said they “sometimes” or “often” experience implicit discrimination in the workplace.

“Our study shows that Asian Americans have a foot in the door in every sector of the legal profession,” said Justice Liu. “The question now is how wide the door will swing open. Despite much progress, Asian Americans still face significant obstacles to reaching the leadership ranks.”

“The Portrait Project shines a light on the obstacles and challenges faced by Asian American lawyers every day,” said Cyndie M. Chang, president of the National Asian Pacific American Bar Association. “While incredible strides have been made over the past 25 years, much work remains to be done to push past the stigmas and assumptions associated with Asian Americans. The insights gleaned from this report will unquestionably lay the groundwork for the road ahead.”

“This project is timely and important — a must-read for anyone who teaches or practices law,” said Heather Gerken, dean and Sol & Lillian Goldman professor of law at Yale Law School. “Justice Liu is a trailblazer, and it’s a testament to him that he is trying to ensure that other Asian Americans have a chance to pursue their dreams going forward.”

“This path-breaking project literally changes the face of Asian American law. For too many centuries, Asian Americans have been the objects, not the subjects, of American law: victims and litigants, not activists, lawyers, or judges,” said Harold Hongju Koh, Sterling professor of international law at Yale Law School and former legal adviser of the U.S. Department of State. “This indispensable report finally provides the facts behind the stereotypes, the deeply felt feelings behind the faces.”

“The Portrait Project provides important and necessary data on the advances and areas for further improvement for Asian Americans in the legal profession,” said Michelle K. Lee, former undersecretary of commerce and director of U.S. Patent and Trade Office. “Much progress has been made, but much work remains ahead. Particularly noteworthy are the differences highlighted by the data along gender lines, which illustrate the challenges faced by Asian Americans in the legal profession are even more pronounced for Asian American women.”

“This first-ever study of its kind is significant not only for its breadth and the insights it provides on the so-called 'bamboo ceiling' in the legal profession, but also because it provides a roadmap for how Asian American attorneys can continue to break through and advance within the profession,” said Ivan K. Fong, senior vice president and general counsel of 3M, and former general counsel of the U.S. Department of Homeland Security.

“This new empirical study is a significant contribution to our understanding of the challenges faced by Asian Americans in the legal profession,” said Ajay K. Mehrotra, director of the American Bar Foundation and professor of law at Northwestern University Pritzker School of Law. “It is only by first identifying the factors that have impeded the long-term leadership success of Asian Americans that we can find potential solutions to this vexing problem.”

“The Portrait Project has confirmed the existence of the bamboo ceiling. It also shows that the future success of the Asian American legal community requires more leadership and mentoring,” said Don Liu, executive vice president and chief legal officer of Target Corp. “The study will be tremendously helpful in removing the professional obstacles that exist for Asian American lawyers.”

“The Portrait Project not only points out the flaws of the hiring and promotion system of workplaces toward Asian Americans, but also shows what Asian Americans can do to succeed,” said Bijal Vakil, partner, White & Case. “Change requires both mentoring Asian American lawyers on strategies to effectively navigate the status quo of law firms in a manner as personally authentic as possible and to continue pressuring law firm leaders for inclusive leadership.”

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## **A PORTRAIT OF ASIAN AMERICANS IN THE LAW**

Eric Chung, Samuel Dong, Xiaonan April Hu, Christine Kwon, and Goodwin Liu  
Yale Law School and National Asian Pacific American Bar Association

### **Fact Sheet | July 18, 2017**

*A Portrait of Asian Americans in the Law* provides a systematic account of how Asian Americans are situated in the legal profession. Since 2000, the number of Asian American lawyers has grown from 20,000 to 53,000 today, comprising nearly 5% of all lawyers nationwide. Through wide-ranging data analysis, focus groups, and a national survey, we have assembled a comprehensive portrait documenting the rise of Asian Americans in the law, their distribution across practice settings, and the challenges they face in advancing to the top ranks of the profession. Our key findings include the following:

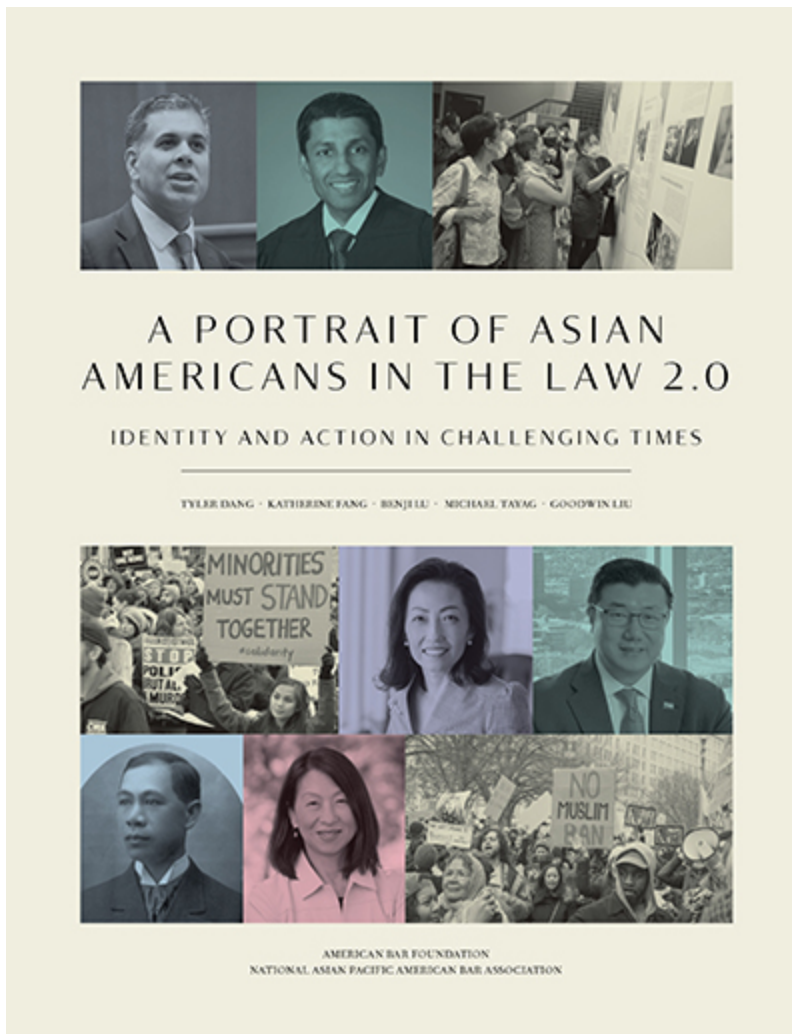
- Over the past three decades, the number of Asian Americans in law school has quadrupled to roughly 8,000, now comprising nearly 7% of total enrollment—the largest increase of any racial or ethnic group.
- But since 2009, Asian American first-year enrollment has fallen by 43%—the largest decline of any group. The number of Asian Americans who entered law school in 2016 was the lowest in more than 20 years.
- After law school, Asian Americans are more likely than other groups to work in law firms or business settings, and they are least likely to work in government. Few Asian Americans report that gaining a pathway into government or politics was a primary reason they attended law school.
- Although Asian Americans comprised 10.3% of graduates of top-30 law schools in 2015, they comprised only 6.5% of federal judicial law clerks.
- For nearly two decades, Asian Americans have been the largest minority group in major law firms. But they have the highest attrition rates and the lowest ratio of partners to associates among all groups.
- Although a significant number of Asian Americans serve as line prosecutors and government attorneys in some agencies and jurisdictions, their numbers dwindle at the supervisory level. In 2016, there were only 3 Asian Americans serving as United States Attorneys, and in 2014, there were only 4 Asian Americans serving as elected district attorneys nationwide.
- Despite recent progress, only 25 Asian Americans serve as active Article III judges, comprising 3% of the federal judiciary. Asian Americans comprise 2% of state judges.
- Many Asian American attorneys report experiencing inadequate access to mentors and contacts as a primary barrier to career advancement for Asian American attorneys.
- Many Asian American attorneys report implicit bias and stereotyped perceptions as obstacles to promotion and advancement. Among Asian American attorneys, women are more likely than men to report experiencing discrimination on the basis of race.
- Asian American attorneys may experience mental health challenges at a higher rate than the legal profession as a whole.

Overall, Asian Americans have penetrated virtually every sector of the legal profession, but they are significantly underrepresented in the leadership ranks of law firms, government, and academia. Our study provides a descriptive account of this central finding, laying the groundwork for future exploration of causal mechanisms and potential solutions. Asian Americans have a firm foot in the door of the legal profession; the question now is how wide the door will swing open.

## Report Finds Ongoing Challenges for Asian Americans in Law

In 2017, a groundbreaking study found that although Asian Americans have been the fastest-growing minority group in the legal profession for the past three decades, they were making only limited progress in securing leadership roles in law firms, government, and academia.

This week, the American Bar Foundation and the National Asian Pacific American Bar Association released its follow-up report, [\*A Portrait of Asian Americans in the Law 2.0: Identity and Action in Challenging Times\*](#). The study's authors noted that in the five years since the initial report, the United States has experienced a rise in anti-Asian hate and violence, a growing movement to address anti-Black racism, and the COVID-19 pandemic. The study found that while there has been improvement, many of the same concerning trends persist for Asian Americans in the legal profession.



The two-year study — co-authored by California Supreme Court Justice Goodwin H. Liu '98, Tyler Dang '22, Katherine Fang '22, Michael Tayag '21, and Benji Lu '24 — compares data from 2021 with that from 2017 on law school enrollment, career advancement, and

political participation. With support from Yale Law School, data was collected from a dozen focus groups and a national survey of more than 700 Asian American lawyers, as well as literature on diversity in law schools and the legal profession.

“Justice Liu and other Portrait Project collaborators have long underscored that representation is not simply a matter of optics but integral to forging a more equitable society — in the way opportunities are distributed, communities served, and consequential decisions made,” said Fang, one of the study’s co-authors. “Inclusion remains an urgent priority, more so than ever because of dramatic increases in anti-Asian rhetoric and crimes.”

The report’s first key finding is that, compared to five years ago, “Asian American attorneys indicated greater engagement with social and political issues, along with a desire to change and improve society.”

According to the report, 44% of survey respondents reported having “become more involved in Asian American bar associations or other attorney organizations in response to events of the last five years, and 47% reported having become more involved in Asian American community organizations.”

The report also found that underrepresentation of Asian Americans persists throughout the top of the legal profession, despite some progress, including in the appointment of federal judges, the ranks of general counsel, and law school enrollment numbers.

Secondly, the report states that the number of Asian American federal judges has increased over the past five years, growing to 6% of active federal judges compared to 3.4% in 2016, and Asian American and Pacific Islander (AAPI) enrollment in law school increased by 14.5% from 2017 to 2021. But the study found that despite being the largest minority group at major law firms, Asian Americans also experience the highest attrition and continue to have the lowest ratio of partners to associates. Only 4.3% of equity partners at major firms in 2020 were Asian American; almost 90% were white.

Third, the study found that increased institutional support would “reduce barriers to advancement and improve the professional lives of Asian American attorneys.” As in the 2017 report, the new study underscores the importance of improving mentorship for Asian American law students and career professionals. Respondents cited a lack of formal leadership training programs and a lack of recognition for work, both overt and implicit racial discrimination in the workplace, and work-related mental health issues as obstacles to career advancement.

“In response to events of the past five years, including the pandemic and a rise in reported anti-Asian hate and violence, Asian American lawyers have leaned into affinity groups and a wide range of advocacy efforts to combat discrimination, promote public safety, and educate our citizenry,” said Justice Liu. “It helps to have Asian Americans in visible leadership roles, and we’ve seen progress on federal judges and Fortune 1000 general counsel. But Asian Americans remain underrepresented among law clerks, state judges, and law firm partners, and their numbers are disturbingly low among top prosecutors, the officials who set priorities and allocate resources for the safety of our communities.”

Benji Lu ’24, a co-author of the study, said he attended a talk on the inaugural Portrait Project when he was considering law school. “It left a deep impression on



me at that juncture in my life,” he said. “It’s an honor now to give back by continuing that work, and I’m inspired by the support that so many members of the Asian American legal community have offered to make it possible.”

The Portrait Project 2.0 team presented the report in a standing-room-only session at the recent 2022 National Asian Pacific American Bar Association (NAPABA) Convention.

“It was not only humbling, but also confirmed the importance of giving voice to the historically little-recognized experiences of Asian Americans in our profession,” said co-author Michael Tayag ’21. “We hope the study will provide an empirical grounding for broader conversations about those experiences and possible directions for reform.”

Tyler Dang ’22 first began work on the report as a law student. “I see the persistent barriers, despite some signs of progress, that face Asian American lawyers like myself,” he said. “But I affirmatively choose to focus on the stories underlying those sometimes stark numbers about Asian representation, and the privilege I’ve had in hearing and documenting them as part of the Portrait Project 2.0 team. Working on this project has redoubled my personal commitment to follow in the footsteps of trailblazers like Justice Liu and many others in the report and to ensure my communities and all communities have the chance to be not just visible, but active members of the legal profession with the accompanying power and dignity that such status grants.”